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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/614,123	07/08/2003	Masahiro Yoshimoto	MAE 289	6037
23995	7590	05/11/2005	EXAMINER	
RABIN & Berdo, PC 1101 14TH STREET, NW SUITE 500 WASHINGTON, DC 20005			BRASE, SANDRA L	
			ART UNIT	PAPER NUMBER
			2852	

DATE MAILED: 05/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/614,123

Applicant(s)

YOSHIMOTO, MASAHIRO

Examiner

Sandra L. Brase

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,4 and 6-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3,4 and 6-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 1/31/05 & 7/8/03 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The allowability of claims 3, 4 and 8 has been withdrawn due to newly discovered reference US 6,029,018.

Drawings

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: 2, 4 and 15.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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3. Claims 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogers, IV et al. (US 6,029,018).

4. Rogers, IV (...018) disclose a printing apparatus having a plurality of image forming sections (20, 22, 24 and 26) that are removably attached to a body of the printing apparatus and form images of different colors (figure 2), comprising: a specifying unit that specifies an image forming section that performs printing (col. 3, line 16 – col. 4, line 15); a control unit (42) that controls the image forming section specified by the specifying unit to operate to form an image of a corresponding color (col.3, line 16 – col. 4, line 15); and a plurality of detectors (21, 23, 25 and 27) that detect the presence and absence of corresponding image forming sections in the body (col. 3, line 16 – col. 4, line 4); wherein the detector detects that an image forming section not specified by the specifying unit is present, the control unit controls the detected image forming section to operate (col. 3, line 16 – col. 4, line 15). Wherein if print data contains a color for a non-detected image forming section, the control unit does not process data for the color in a format that can be printed (col. 3, lines 59-62).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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6. Claims 1, 4, 6, 7 and 9-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rogers, IV (US 6,029,018) in view of Endo (US 6,526,237).

7. Rogers, IV (...018) disclose a printing apparatus having a plurality of image forming sections (20, 22, 24 and 26) that are removably attached to a body of the printing apparatus and form images of different colors (figure 2), comprising: a receiving section (42) that receives image data; a specifying unit that includes a selecting section that specifies and selects an image forming section that performs printing (col. 3, line 16 – col. 4, line 15); a control unit (42) that controls the image forming section specified and selected by the specifying unit to operate to form an image of a corresponding color in accordance with the image data (col.3, line 16 – col. 4, line 15); and a plurality of detectors (21, 23, 25 and 27) that detect the presence and absence of corresponding image forming sections in the body (col. 3, line 16 – col. 4, line 4). Wherein when print data contains a color corresponding to an image forming section not specified by the specifying unit, the control unit performs control in such a way that only print data for a color corresponding to the specified image forming section is processed in a format that can be printed (col. 3, line 16 – col. 4, line 15). The control unit selectively controls the image forming sections to operate according to detection results of the plurality of detectors (col. 3, line 16 – col. 4, line 15). The control unit controls a detected image forming section to operate, and the control unit does not control a non-detected image forming section to operate (col. 3, line 37 – col. 4, line 15). The control section does not send the image data to a corresponding image forming section if the detecting section detects that the corresponding image forming section is not present in the printing apparatus (col. 3, line 56 – col. 4, line 4). The control section controls image forming sections selected by the selecting section from among image forming sections detected by the

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detecting section, thereby performing printing on a medium (col. 3, line 43 – col. 4, line 15). A display section that displays a message inquiring whether an image forming section currently displayed on the display section should be selected (col. 4, lines 9-11). The selecting section includes a first switch that selects an image forming section currently displayed on the display section, the first switch being operated by a user (col. 4, lines 9-11); and a second switch that switches the message on the display section from the image forming section currently displayed on the display section to a next image forming section, the second switch being operated by the user when the image forming section currently displayed on the display section should not be selected (col. 4, lines 9-15). However, Rogers, IV et al. (...018) do not disclose the claimed image forming sections being capable of forming an image of a respective color independently from the other image forming sections. Endo (...237) discloses a printing apparatus including a plurality of image forming sections, where each one of the image forming sections are capable of forming an image of a respective color independently from the other image forming sections (col. 3, line 41 – col. 4, line 2). Each of the plurality of image forming sections having a corresponding transfer section (12a, 12b, 12c and 12d), where the transfer section receiving a transfer voltage. Each of the image forming sections comprises a respective photoconductive drum (4a, 4b, 4c and 4d). It would have been obvious to one of ordinary skill in the art at the time of the invention to have the claimed image forming sections, as disclosed by Endo (...237), since it is well known in the art to have a color image formed by image forming sections that are capable of forming an image of a respective color independently from the other image forming sections.

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Response to Arguments

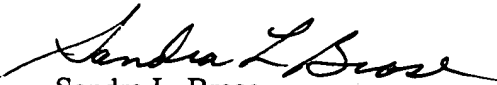
8. Applicant's arguments with respect to claims 1, 3, 4 and 6-22 have been considered but are moot in view of the new ground(s) of rejection.

Inquiry

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sandra L. Brase whose telephone number is (571) 272-2131. The examiner can normally be reached on Monday-Thursday and alternate Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Arthur T. Grimley, can be reached on (571) 272-2136. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sandra L. Brase
Primary Examiner
Art Unit 2852

May 5, 2005